

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

245A



FROM: Don Kent, Treasurer/Tax Collector

SUBMITTAL DATE:
MAR 10 2009

SUBJECT: Recommendation for Distribution of Excess Proceeds for Tax Sale No. 176, Item 66.
Last assessed to: Mary Reiss, a widow.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve the claim from Jill Zimmerman and Jolie Zimmerman, for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 326150006-1;
- 2) Approve the claim from Fire Prevention Services, Inc., for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 326150006-1;

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BACKGROUND: In accordance with Section 3691 et seq. of the California Revenue and Taxation Code, and with prior approval of the Board of Supervisors, the Tax Collector conducted the March 13, 2006 public auction sale. The deed conveying title to the purchasers at the auction was recorded May 3, 2006. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on June 5, 2006, to parties of interest as defined in Section 4675 of said code. Parties of interest have been determined by an examination of lot book reports as well as Assessor's and Recorder's records, and various research methods were used to obtain current mailing addresses for these parties of interest.

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Don Kent, Treasurer/Tax Collector

FINANCIAL DATA	Current F.Y. Total Cost:	\$76,079.15	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$0	For Fiscal Year:	2008-09

SOURCE OF FUNDS: Fund 65595 Excess Proceeds from Tax Sale	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: 
Christopher M. Hans
County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: DOROTHY L. HONN
DATE: 3/10/09
Departmental Concurrence

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

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RECOMMENDED MOTION: (Continued)

- 3) Approve the claim from Nationwide Asset Recovery Services, agent for Louise Smith, Executor to the Estate of Mary Reiss, last assessee for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 326150006-1;
- 4) Authorize and direct the Auditor-Controller to issue warrants to Jill Zimmerman in the amount of \$2,437.60, Jolie Zimmerman in the amount of \$2,437.59, Fire Prevention Services, Inc. in the amount of \$14,378.20 and Nationwide Asset Recovery Services, agent for Louise Smith, Executor to the Estate of Mary Reiss in the amount of \$56,825.76, no sooner than ninety days from the date of this order, unless pursuant to the California Revenue and Taxation Code Section 4675, an appeal has been filed in Superior Court.

The Treasurer-Tax Collector has received three claims for excess proceeds:

- 1) Claim from Jill Zimmerman and Jolie Zimmerman based on a Short Form Deed of Trust and Assignment of Rents recorded April 4, 1989 as Instrument No. 104931, the Last Will of Lillian Mae Schilling dated October 9, 1995 and the death certificate's of Lillian Mae Schilling and Marlene Joan Zimmerman.
- 2) Claim from Fire Prevention Services, Inc. based on a Notice of Abatement Lien recorded January 12, 1999 as Instrument No. 012944 and a Notice of Abatement recorded January 12, 2000 as Instrument No. 2000-012651.
- 3) Claim from Nationwide Asset Recovery Services, agent for Louise Smith, Executor to the Estate of Mary Reiss based on an Authorization for Agent to Collect Excess Proceeds dated May 4, 2006, a Grant Deed recorded April 4, 1989 as Instrument No. 104930, the Last Will and Testament of Mary Reiss dated July 5, 1974, a Declaration Pursuant to Probate Code 13100 and the death certificate of Mary Grace Reiss.

Pursuant to Section 4675 (a) & (c) & (e) of the California Revenue and Taxation Code, it is the recommendation of this office that Jill Zimmerman be awarded excess proceeds in the amount of \$2,437.60, Jolie Zimmerman be awarded excess proceeds in the amount of \$2,437.59, Fire Prevention Services, Inc. be awarded excess proceeds in the amount of \$14,378.20 and Nationwide Asset Recovery Services, agent for Louise Smith, Executor to the Estate of Mary Reiss be awarded excess proceeds in the amount of \$56,825.76. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion. Notice of this recommendation was sent to the claimants by certified mail.